

## **REMARKS**

Claims 23-34, 37-54, 56, and 58-65 are pending in the present application. Claims 1-22, 35, 36, 55, and 57 are canceled herein. Claims 61-65 have been added, and claims 23, 28, 33, 34, 37, 39, 42, 46, 47, 49, 52, 56, and 58-60 have been amended. Applicants respectfully request reconsideration of the claims in view of the following remarks.

The Office Action provisionally rejected claims 23-60 on the ground of nonstatutory obviousness-type double patenting as assertedly being unpatentable over claims 11, 20, 21, and 27 of copending Application No. 10/748,076. Without commenting on the accuracy of the assertions made in the Office Action, Applicants respectfully point out that the referenced application has been abandoned, and therefore, this rejection is moot. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 52 has been rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Office Action, page 3. In response, Applicants have amended claim 52 to recite “gate electrode has” as suggested by the Office Action.

Claims 23-25, 30, and 33-36 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by Hirayama et al. (U.S. Patent Publication No. 2006/0141400, hereinafter “Hirayama I”). Claim 28 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Hirayama I in view of Hirayama (U.S. Patent Publication No. 2006/0154171, hereinafter “Hirayama II”). Claims 26 and 27 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Hirayama I in view of Lin (U.S. Patent Publication No. 2007/0091288, hereinafter “Lin”). Claims 31 and 32 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Hirayama I in view of Levinson (U.S. Patent

Publication No. 2005/0037269, hereinafter “Levinson”). Claims 29, 37-39, 43, 46-50, 53, 55, 57, and 60 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chang (U.S. Patent Publication No. 2005/0123863, hereinafter “Chang”) in view of Hirayama I. Claims 40 and 41 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chang in view of Hirayama I as applied to claims 29, 37-39, 43, 46-50, 53, 55, 57, 58, and 60, and further in view of Lin. Claim 42 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chang in view of Hirayama I as applied to claims 29, 37-39, 43, 46-50, 53, 55, 57, 58, and 60, and further in view of Hirayama II. Claims 44 and 45 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chang in view of Hirayama I, as applied to claims 29, 37-39, 43, 46-50, 53, 55, 57, 58, and 60, and further in view of Levinson. Claims 51, 52, and 54 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chang in view of Hirayama I as applied to claims 29, 37-39, 43, 46-50, 53, 55, 57, 58, and 60, and further in view of Cheng (U.S. Patent No. 7,176,522, hereinafter “Cheng”). Claims 56, 58, and 59 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chang in view of Hirayama I, as applied to claims 29, 37-39, 43, 46-50, 53, 55, 57, 58, and 60, and further in view of Lee (U.S. Patent Publication No. 2005/0266683, hereinafter “Lee”). Applicants respectfully traverse these rejections.

Claim 23 has been amended to more clearly recite at least one of the distinguishing features of Applicants invention. In particular, Applicants have amended claim 23 to recite, “directing optical energy through the immersion fluid and onto the photoresist layer after the photoresist layer has been completely diffused with the immersion fluid.” The cited references fail to disclose this feature, and accordingly, Applicants respectfully request that the rejection thereof be withdrawn.

Claim 37 has been amended to more clearly recite at least one of the distinguishing features of Applicants invention. In particular, Applicants have amended claim 37 to recite, “the immersion fluid . . . being diffused substantially throughout the photoresist layer.” The cited references fail to disclose this feature, and accordingly, Applicants respectfully request that the rejection thereof be withdrawn.

Claims 24-34 depend from claim 23 and claims 38-54 depend from claim 37 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Roger C. Knapp, Applicants’ attorney, at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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